

military construction, and for defense activities for the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MEASURES REFERRED

The following bill, received previously from the House of Representatives for concurrence, was read twice, referred as indicated:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States; to the Committee on the Judiciary.

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2704. An act to provide that the United States Post Office building that is to be located at 7436 South Exchange Avenue, Chicago, Illinois, shall be known and designated as the "Charles A. Hayes Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 106. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

MEASURE READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 134. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2437. A bill to provide for the exchange of certain lands in Gilpin County, Colorado (Rept. No. 104-196).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 956) to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes (Rept. No. 104-197).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

C. Lynwood Smith, of Alabama, to be United States District Judge for the Northern District of Alabama.

Barbara S. Jones, of New York, to be United States District Judge for the Southern District of New York.

Jed S. Rakoff, of New York, to be United States District Judge for the Southern District of New York.

Joan A. Lenard, of Florida, to be United States District Judge for the Southern District of Florida.

Bernice B. Donald, of Tennessee, to be United States District Judge for the Western District of Tennessee.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA [for himself, Mr. GLENN, and Mr. INOUE]:

S. 1492. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to combat fraud and price-gouging committed in connection with the provision of consumer goods and services for the clean-up, repair, and recovery from the effects of a major disaster declared by the President, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 1493. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. D'AMATO [for himself, Mr. MACK, Mr. BOND, Mr. DOMENICI, Mr. BENNETT, and Mr. SHELBY]:

S. 1494. A bill to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL [for himself, Mr. HATCH, and Mr. DEWINE]:

S. 1495. A bill to control crime, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON [for himself, Mr. HATCH, Mr. BOND, and Mr. ASHCROFT]:

S. 1496. A bill to grant certain patent rights for certain non-steroidal anti-inflammatory drugs for a two year period; to the Committee on the Judiciary.

By Mr. NICKLES [for himself, Mr. SMITH, Mr. PRYOR, Mr. BOND, Mr. BUMPERS, Mr. INHOFE, Mr. LOTT, Mr. BREAU, Mr. JOHNSTON, Mr. ABRAHAM, Mr. KEMPTHORNE, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. GLENN, and Mr. WARNER]:

S. 1497. A bill to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE [for herself, Mr. KERRY, Mr. COHEN, and Mr. KENNEDY]:

S. 1498. A bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. 1499. A bill to amend the Interjurisdictional Fisheries Act of 1986 to provide for direct and indirect assistance for certain persons engaged in commercial fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 1500. A bill to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER [for himself, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. ROBB, Mr. JOHNSTON, Mr. CHAFEE, Mr. BAUCUS, Mr. WARNER, Mr. KERRY, Mr. SHELBY, Mr. GRAHAM, Mr. KYL, Mr. LUGAR, Mr. INHOFE, Mr. BYRD, and Mr. DEWINE]:

S. Res. 201. A resolution commending the CIA's statutory Inspector General on his 5-year anniversary in office; considered and agreed to.

By Mr. EXON [for himself and Mr. WELLSTONE]:

S. Con. Res. 37. A concurrent resolution directing the Clerk of the House of Representatives to make technical changes in the enrollment of the bill (H.R. 2539) entitled "An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1493. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

THE CAPTIVE EXOTIC ANIMAL PROTECTION ACT OF 1995

Mr. LAUTENBERG. Mr. President, today I am introducing the Captive Exotic Animal Protection Act of 1995, a bill to stop what are known as canned hunts—the cruel and inhumane business in which a customer pays to shoot a tame, captive exotic animal in a fenced-in enclosure for entertainment, or to collect a trophy.

Mr. President, canned hunts do not involve hunting, tracking, or shooting skills. In such an operation, the client merely hands over a check, walks to within yards of his prize, aims carefully to avoid the head, and shoots, killing the unsuspecting exotic animal. This is not sport—it is easy slaughter for a price. Sportsmen do not support this, and neither should we.

Mr. President, imagine this: A black leopard, raised in captivity, is released from a crate in the presence of a paying hunter and is immediately surrounded by a pack of hounds. The cat, virtually defenseless because it has been declared and is greatly outnumbered by the hounds, tries to escape by running under a truck. The hounds follow the leopard who then darts from under the truck slightly ahead of the pack. The customer gets his shot—and his trophy.

Mr. President, in the United States today, there are estimated to be more than 1,000 private hunting ranches where exotic mammals are shot for a fee. Many of these hunting ranches have a land area of 1,000 acres or less—some are less than 100 acres. The animals are tame targets for hunters and the proprietors of these operations

offer a guaranteed kill opportunity for their clients. It is called no kill, no pay. The animals are shot at point blank range—with bow or firearm—and have no chance of eluding a hunter.

These hunting operations provide a laundry list of potential trophies for hunters. For a fee, a hunter can kill whatever animal he or she wishes. Gazelles typically sell for \$800 to \$3,500; Cape buffaloes, \$5,000; angora goats, \$325; Corsican sheep, \$500; red deer, \$1,500 to \$6,000. The rarer the animal—lions and tigers, for instance, the higher the price.

I want to emphasize, Mr. President, that most sportsmen decry these despicable practices as unsporting. They say that canned hunts make a mockery of hunting. The Boone and Crockett Club, a hunting organization founded by former President Teddy Roosevelt that maintains records of North America's big game, takes the position that "hunting game confined in artificial barriers, including escape-proof fenced enclosures or hunting game transported solely for the purpose of commercial shooting" is "unfair chase and unsportsmanlike." In 1994, in the publication *Outdoor America*, the magazine of the pro-hunting Izaak Walton League, Maitland Sharpe, the organization's executive director at the time, stated that this practice "tarnishes all hunting, all hunting. . . ."

The American Zoo and Aquarium Association [AZA] forbids its membership organizations from selling, trading, or transferring zoo animals to hunting ranches, though the prohibition too often is ignored. The AZA opposes canned hunts, and has written to Members of Congress that it "(a) deplores and is opposed to canned hunts of exotic animals and (b) supports the prohibition of interstate practices which allow exotic animals to be killed in such hunts."

Mr. President, exotic hunting ranches threaten native wildlife populations with the spread of disease. If these ranch animals escape, they can transmit diseases to native wildlife. John Talbott, acting director of the Wyoming Department of Fish and Game, stated in January of this year, "Tuberculosis and other diseases documented among game ranch animals in surrounding states" pose "an extremely serious threat to Wyoming's native big game." This is one reason why Wyoming bans canned hunts. Other States also ban these hunts, including California, Connecticut, New Jersey, North Carolina, and Wisconsin. However, States that permit these operations import exotic mammals from other States—including those that prohibit canned hunts—and victimize these animals in unsporting canned hunts. Federal legislation is needed to ban the interstate trade in exotic mammals for the purpose of shooting them for a fee to collect a trophy.

Federal legislation is also needed because exotic mammals are not carefully regulated by the States. Exotic

mammals often fall outside the traditional range of responsibility for State fish and game agencies. They fall outside the purview of State agriculture departments. Exotic mammals—not being native wildlife or livestock—are in a sense, caught in regulatory limbo. This lack of oversight by State agencies allows canned hunt operators to exploit these animals for profit.

My legislation is identical to a similar bill that has been introduced in the House, H.R. 1202. The bill would ban only those operations of 1,000 acres or less in which tame animals are shot for a fee for the purposes of collecting a trophy. Larger hunting ranches, where the animals are provided with some room to maneuver, are exempt. The hunting of native wildlife would not be affected in any way. The House bill has attracted strong bipartisan support, with over 100 cosponsors to date.

Mr. President, this legislation is needed to put a stop to this amoral, cruel business. I urge my colleagues to support me in this effort, and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Exotic Animal Protection Act of 1995".

SEC. 2. TRANSPORTATION OR POSSESSION OF EXOTIC ANIMALS FOR PURPOSES OF KILLING OR INJURING THEM.

(A) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"§ 48. Exotic animals

"(a) Whoever, in or affecting interstate or foreign commerce, knowingly transfers, transports, or possesses a confined exotic animal, for the purposes of allowing the killing or injuring of that animal for entertainment or the collection of a trophy, shall be fined under this title or imprisoned not more than one year, or both.

"(b) As used in this section—

"(1) the term 'confined exotic animal' means a mammal of a species not historically indigenous to the United States that in fact has been held in captivity for the shorter of—

"(A) the greater part of the animal's life; or

"(B) a period of one year; whether or not the defendant knew the length of the captivity; and

"(2) the term 'captivity' does not include any period during which the animal—

"(A) lives as it would in the wild, surviving primarily by foraging for naturally occurring food, roaming at will over an open area of at least 1,000 acres; and

"(B) has the opportunity to avoid hunters."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of title 18, United States Code, is amended by adding at the beginning the following new item:

"48. Exotic animals."

By Mr. D'AMATO (for himself,
Mr. MACK, Mr. BOND, Mr.
DOMENICI, Mr. BENNETT, and
Mr. SHELBY):

S. 1494. A bill to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1995

Mr. D'AMATO. Mr. President, I rise to introduce the Housing Opportunity Program Extension Act of 1995. I wish to thank Senators MACK, BOND, SHELBY, BENNETT, and DOMENICI for their cosponsorship of this much needed legislation.

This important measure would provide short-term extensions of housing programs which have expired. This bill does not create new housing policy, but is a stopgap measure which would allow existing programs to continue until October 1, 1996. Next year, the Banking Committee and its Housing Subcommittees will continue its evaluation of proposals for reorganization and elimination of the Department of Housing and Urban Development. Omnibus housing legislation will be introduced in the Spring of 1996 which will reorganize, transfer or eliminate housing and community development programs. Some of the programs extended in this legislation will be reformed at that time. Modifications of these programs will be reserved until the Banking Committee has the opportunity for hearings and debate next year.

The majority of the housing program extensions contained in this bill were passed by the Senate and House in the fiscal year 1996 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies appropriations bill (H.R. 2099). If it were not for the recent veto of H.R. 2099, this legislation would not be necessary. However, the President's veto has placed our Nation's housing delivery system in serious jeopardy. It is imperative that we act to extend housing programs which would otherwise be suspended for an indefinite time period.

This legislation would extend the following: Section 8 contract renewals; the Community Development Block Grant homeownership program; the Section 515 rural multifamily loan program; the Home Equity Conversion Mortgage program; and the Multifamily Housing Risk-Sharing programs.

I look forward to working with all Members of the Senate on a bipartisan basis to ensure the swift passage of this much needed legislation. I urge my colleagues to protect the needy recipients of these effective housing programs by supporting the Housing Opportunity Program Extension Act of 1995. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITION.

(a) **SHORT TITLE.**—This Act may be cited as the “Housing Opportunity Program Extension Act of 1995”.

(b) **DEFINITION.**—For purposes of this Act, the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 2. SECTION 8 CONTRACT RENEWALS.

(a) **IN GENERAL.**—During fiscal year 1996, with respect to any project that is determined by the Secretary to meet housing quality standards under the United States Housing Act of 1937 and to be otherwise in compliance with that Act, at the request of the owner of the project, the Secretary shall renew, for a period of 1 year, any contract for assistance under section 8 of the United States Housing Act of 1937 that expires or terminates during fiscal year 1996, at current rent levels under the expiring of terminating contract.

(b) **AMENDMENTS TO THE NATIONAL HOUSING ACT.**—Section 236(f) of the National Housing Act (12 U.S.C. 1715z-1(f)) is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following: “The rental charge for each dwelling unit shall be at the basic rental charge, or such greater amount, not to exceed the lesser of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the fair market rental established under section 8(c) of the United States Housing Act of 1937 for existing housing in the market area in which the housing is located, as represents 30 percent of the tenant’s adjusted income.”; and

(2) by striking paragraph (6).

SEC. 3. COMMUNITY DEVELOPMENT BLOCK GRANT ELIGIBLE ACTIVITIES.

Notwithstanding the amendments made by section 907(b)(2) of the Cranston-Gonzalez National Affordable Housing Act, section 105(a)(25) of the Housing and Community Development Act of 1974, as in existence on September 30, 1995, shall apply to the use of assistance made available under title I of the Housing and Community Development Act of 1974 during fiscal year 1996.

SEC. 4. EXTENSION OF RURAL HOUSING PROGRAMS.

(a) **UNDERSERVED AREAS SET-ASIDE.**—Section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended—

(1) in the first sentence, by striking “fiscal years 1993 and 1994” and inserting “fiscal year 1996”; and

(2) in the second sentence, by striking “each”.

(b) **RURAL MULTIFAMILY RENTAL HOUSING.**—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking “September 30, 1994” and inserting “September 30, 1996”.

(c) **RURAL RENTAL HOUSING FUND FOR NON-PROFIT ENTITIES.**—The first of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking “fiscal years 1993 and 1994” and inserting “fiscal year 1996”.

SEC. 5. EXTENSION OF FHA MORTGAGE INSURANCE PROGRAM FOR HOME EQUITY CONVERSION MORTGAGES.

(a) **EXTENSION OF PROGRAM.**—The first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended by striking “September 30, 1995” and inserting “September 30, 1996”.

(b) **LIMITATION ON NUMBER OF MORTGAGES.**—The second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended by striking “25,000” and inserting “30,000”.

SEC. 6. EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAMS.

(a) **RISK-SHARING PILOT PROGRAM.**—The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking “on not more than 15,000 units over fiscal years 1993 and 1994” and inserting “on not more than 7,500 units during fiscal year 1996”.

(b) **HOUSING FINANCE AGENCY PILOT PROGRAM.**—The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking “on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995” and inserting “on not more than 10,000 units during fiscal year 1996”.

SEC. 7. APPLICABILITY.

This Act and the amendments made by this Act shall be construed to have become effective on October 1, 1995.

Mr. BOND. Mr. President, I am introducing with Senators D’AMATO and MACK the Housing Opportunity Program Extenders Act of 1995. This legislation is designed to provide HUD and the Rural Housing and Community Development Service—commonly known as FmHA—with authority to continue certain housing programs which are strongly supported by the American public and which will generally be suspended if the administration continues to ignore responsible dialogue on housing issues and vetoes S. 2099, the VA/ HUD fiscal year 1996 appropriations bill.

I emphasize the importance of this bill and urge my colleagues to support this legislation. Most importantly, similar to the VA/ HUD fiscal year 1996 appropriations bill, this bill would require HUD to renew expiring section 8 project-based contracts for fiscal year 1996 for 1 year at current rents. There are some 900,000 FHA-insured units with section 8 project-based assistance contracts that are expiring over the next 10 years. Many of these section 8 contracts are currently subsidized at above market rents and fiscal responsibility requires that Congress contain the spiraling costs associated with this inventory. Moreover, under a recent HUD legal opinion, HUD may renew these expiring section 8 project-based contracts at no more than 120 percent of fair market rents; this means that these section 8 projects could begin to default and face foreclosure by HUD during fiscal year 1996.

I believe it is critical that Congress reform and adjust the costs, including section 8 costs, of these assisted housing programs. However, in doing so, we must balance the cost of the expiring section 8 contracts with the cost of foreclosure of these projects to the HUD insurance fund, as well as the significant social policy of the possible displacement of low-income housing residents and the disinvestment by project owners in these projects which could result in significant deterioration of this housing stock. Like the VA/ HUD fiscal year 1996 appropriations bill, renewing these section 8 contracts for 1 year will provide the Banking Committee with an opportunity to ad-

dress these concerns through comprehensive legislation that will preserve this valuable housing resource as low-income housing at a reasonable cost to the Federal Government.

Second, the legislation would extend the Home Equity Conversion Mortgage Program through fiscal year 1996, increasing the maximum number of units eligible for insurance from 25,000 to 30,000. This program is designed to allow the elderly to tap the accumulated equity in their homes for needed expenses without the risk of losing the housing as a principal residence. This is a successful program that is growing in popularity among the elderly population as an option to assist in providing continuing independence, both financially and through the continuing use of their homes as a principal residence.

Third, the legislation would extend the homeownership program under the CDBG program as a continuing eligible activity through fiscal year 1996. This program is widely supported by a number of communities throughout the Nation which use the program as an additional resource to expand homeownership opportunities.

Fourth, the bill would extend the FHA multifamily risk-sharing programs for fiscal year 1996. These programs authorize HUD to enter into mortgage insurance agreements and partnerships with Fannie Mae and Freddie Mac and with State housing finance agencies for the creation of affordable multifamily housing. These are important programs which help to guarantee the availability of affordable rental housing in the Nation.

Finally, the bill would extend the Rural Housing and Community Development Service’s section 515 rural multifamily housing program for fiscal year 1996. Currently, fiscal year 1996 appropriations generally have limited the available funding for fiscal year 1996 to rehabilitation. However, there is a significant need for additional rural housing which is affordable. Moreover, section 515 projects are, in many cases, the only available and affordable low-income housing in rural areas. While there has been substantial criticism leveled at abuses in the section 515 program, the Rural Housing and Community Development Service has addressed a number of the failings in the program and the Banking Committee has pledged to review closely the section 515 program and address any concerns as part of a major housing and community development overhaul and reform bill.

Mr. President, this legislation is bipartisan, simple, straightforward and necessary. I strongly urge my colleagues to support this legislation.

Mr. MACK. Mr. President, I am pleased to join with Senator D’AMATO as a cosponsor of this bill to extend for 1 year a number of housing activities under the jurisdiction of the Banking Committee. The fiscal year 1996 VA/ HUD-Independent agencies appropriation bill extended the authority for a

number of expired HUD programs and activities for 1 year to give the authorizing committee time to consider needed reforms in those programs and deal with them more permanently.

Unfortunately, the President vetoed the appropriation bill, and these programs are in immediate jeopardy. This legislation is necessary to continue authorizations for activities that have broad support. I stress to my colleagues that this is emergency legislation that contains no programmatic reforms.

First, and foremost, this bill would allow HUD to renew expiring section 8 rental assistance contracts at current rents for 1 year. HUD has taken the position that it currently has no authority for fiscal year 1996 to renew expiring section 8 contracts at above fair market rent [FMR]. Without language to allow contract renewals at above FMR, a large number of FHA-insured multifamily housing projects could face default this year. This extension will give the authorizing committee time to develop an orderly "mark-to-market" strategy to restructure the debt on these projects, end payments of excessive rental subsidies, and help bring HUD's budget under control.

This bill also extends the Federal Housing Administration's mortgage insurance program Home Equity Conversion Mortgages. This popular demonstration program has allowed more than 14,000 elderly homeowners to tap into the equity in their homes, but mortgage authority for the program expired at the end of fiscal 1995. This extension will give us the time needed to pass legislation extending the program for another 5 years and to enact reforms that will make the program more effective.

The legislation extends the FHA section 515 rural rental housing loan program. This is the only program extension included that is not under the jurisdiction of the VA-HUD-Independent Agencies appropriations subcommittee. However, this is an important housing development program under the Banking Committee's jurisdiction, and there is currently a significant backlog of preapproved applications for section 515 loans.

I am, however, concerned by reports issued by the General Accounting Office and others indicating that structural and financial management problems exist in the section 515 program. As chairman of the Housing Opportunity and Community Development Subcommittee, I intend to hold hearings on this and other rural housing programs early next year and to propose program reforms where needed. No further extensions of the section 515 program should be approved until the program has been thoroughly reviewed by the Banking Committee.

By Mr. KYL (for himself, Mr. HATCH, and Mr. DEWINE):

S. 1995. A bill to control crime, and for other purposes; to the Committee on the Judiciary.

THE CRIME PREVENTION ACT OF 1995

Mr. KYL. Mr. President, I rise to introduce the Crime Prevention Act. One of the most important responsibilities for the 104th Congress is to pass a tough comprehensive crime measure that will restore law and order to America's streets.

Reported crime may have decreased slightly over the past few years, but the streets are still too dangerous. Too many Americans are afraid to go out for fear of being robbed, assaulted, or murdered.

In fact, according to the Bureau of Justice Statistics report "Highlights from 20 Years of Surveying Crime Victims," approximately 2 million people are injured a year as a result of violent crime. Of those who are injured, more than half require some level of medical treatment and nearly a quarter receive treatment in a hospital emergency room or require hospitalization.

THE CRIME CLOCK IS TICKING

The picture painted by crime statistics is frightening. According to the Uniform Crime Reports released by the Department of Justice, in 1994 there was: a violent crime every 17 seconds; a murder every 23 minutes; a forcible rape every 5 minutes; a robbery every 51 seconds; an aggravated assault every 28 seconds; a property crime every 3 seconds; a burglary every 12 seconds; and a motor vehicle theft every 20 seconds.

In short, a crime index offense occurred every 2 seconds. And this is just reported crime.

STATISTICS

Again, according to the Uniform Crime Reports in 1994, there were 1,864,168 violent crimes reported to law enforcement, a rate of 716 violent crimes per 100,000 inhabitants. The 1994 total was 2 percent above the 1990 level and 40 percent above that of 1985.

Further, juvenile crime is skyrocketing. According to statistics compiled by the FBI, from 1985 to 1993 the number of homicides committed by males aged 18 to 24 increased 65 percent, and by males aged 14 to 17 increased 165 percent. In addition, according to statistics recently released by the Department of Justice, during 1993, the youngest age group surveyed—those 12 to 15 years old—had the greatest risk of being the victims of violent crimes.

Crime in my State, Arizona, is very much on the rise. In 1994, Phoenix suffered a record 244 homicides. An article in the December 12th Arizona Republic, stated that 235 people have been slain this year, 9 short of last year's record. Statewide crime was up in Mesa, Chandler, Glendale, Scottsdale, and Tempe. By August, the number of murders in Tucson this year eclipsed last year's total.

THE HEAVY COST OF CRIME

Aside from the vicious personal toll exacted, crime also has a devastating effect on the economy of our country. Business Week estimated in 1993 that

crime costs Americans \$425 million annually. To fight crime, the United States spends about \$90 billion a year on the entire criminal justice system. Crime is especially devastating to our cities, which often have crime rates several times higher than suburbs.

The Washington Post ran an October 8 article detailing the work of professors Mark Levitt and Mark Cohen in estimating the real cost of crime to society. According to the article, "[i]nstead of merely toting up the haul in armed robberies or burglaries, Cohen tallied all of the costs associated with various kinds of crime, from loss of income sustained by a murder victim's family to the cost of counseling a rape victim to the diminished value of houses in high-burglary neighborhoods." These quality of life costs raise the cost of crime considerably. Cohen and Levitt calculated that one murder costs society on average \$2.7 million. A robbery nets the robber an average of \$2,900 in actual cash, but it produces \$14,900 in quality of life expenses. And while the actual monetary loss caused by an assault is \$1,800, it produces \$10,200 in quality of life expenses.

LEGISLATION

Fighting crime must be one of our top priorities. Few would dispute this. In fact, according to an article in the July 19th *Tucson Citizen*, about 500 business, education, and government leaders in Tucson ranked crime as the No. 1 issue in a survey commissioned by the Greater Tucson Economic Council.

The House has done its part. It has delivered on the Contract With America by passing a series of strong crime bills in February.

The Senate has not acted with comparable vigor. Given the magnitude of the problem of crime in our society, I believe that it is important to consider a comprehensive crime package. My bill has solid reforms that should blunt the forecasted explosion in crime.

I would like to take this opportunity to give an outline of the major provisions included in the Crime Prevention Act of 1995.

PRISON LITIGATION REFORM

Although numbers are not available for all of the States, 33 states have estimated that inmate civil rights suits cost them at least \$54.5 million annually. Thus, extrapolating this figure to all 50 states, the estimate cost for inmate civil rights suits is \$81.3 million per year. Not all of these cases are frivolous, but according to the National Association of Attorneys General, more than 95 percent of inmate civil rights suits are dismissed without the inmate receiving anything.

Title I of this bill will deter frivolous inmate lawsuits by:

Removing the ability of prisoners to file free lawsuits, instead making them pay full filing fees and court costs.

Requiring judges to dismiss frivolous cases before they bog down the court system.

Prohibiting inmate lawsuits for mental and emotional distress.

Retracting good-time credit earned by inmates if they file lawsuits deemed frivolous.

These provisions are based on similar provisions that were enacted in Arizona. Arizona's recent reforms have already reduced state prisoner cases by 50 percent. Now is the time to reproduce these common sense reforms in Federal law. If we achieve a 50-percent reduction in bogus Federal prisoner claims, we will free up judicial resources for claims with merit by both prisoners and nonprisoners.

SPECIAL MASTERS

This bill requires the Federal judiciary to pay for special masters in prison litigation cases. Currently, Federal court judges can, and do, force States to pay the costs for special masters. This is an unfunded judicial mandate. The special masters appointed in prison litigation cases have cost Arizona taxpayers more than \$370,000 since 1992. Arizona taxpayers have paid special masters up to \$175 an hour. In one case, taxpayers funds were used to hire a chauffeur for a special master.

VICTIM RIGHTS AND DOMESTIC VIOLENCE

Women are the victims of more than 4.5 million violent crimes a year, including half a million rapes or other sexual assaults, according to the Department of Justice. The National Victims Center calculates that a woman is battered every 15 seconds.

Last year's crime bill, which is now law, did much to help victims of domestic violence—making it easier for evidence of intrafamilial sexual abuse to be introduced, for example. It will now be much easier for prosecutors in Federal cases to introduce evidence that the accused committed a similar crime in the past. The crime act also provides Federal funding for battered women's shelters and training for law-enforcement officers and prosecutors.

But more needs to be done. A message must be sent to abusers that their behavior is not a family matter. Society should treat domestic violence as seriously as it does violence between strangers. My bill will strengthen the rights of domestic violence victims in Federal court and, hopefully, set a standard for the individual States to emulate.

First, my bill authorizes the death penalty for cases in which a woman is murdered by her husband or boyfriend.

My bill also provides that if a defendant presents negative character evidence concerning the victim, the Government's rebuttal can include negative character evidence concerning the defendant.

We must establish a higher standard of professional conduct for lawyers. My legislation prohibits harassing or dilatory tactics, knowingly presenting false evidence or discrediting truthful evidence, willful ignorance of matters that could be learned from the client, and concealment of information necessary to prevent sexual abuse or other violent crimes.

Violence in our society leaves law-abiding citizens feeling defenseless. It

is time to level the playing field. Federal law currently gives the defense more chances than the prosecution to reject a potential juror. My bill protects the right of victims to an impartial jury by giving both sides the same number of peremptory challenges.

FIREARMS

Almost 30 percent of all violent crimes are committed through the use of a firearm, either to intimidate the victim into submission or to injure the victim, according to the Bureau of Justice Statistics. And 70 percent of all murders committed were accomplished through the use of a firearm. To help stop this violence the bill increases the mandatory minimum sentences for criminals who use firearms in the commission of crimes. It imposes the following minimum penalties: 10 years for using or carrying a firearm during the commission of a Federal crime of violence or drug trafficking crime; 20 years if the firearm is discharged; incarceration for life or punishment by death if death of a person results.

THE EXCLUSIONARY RULE

To ensure that relevant evidence is not kept from juries, the bill extends the good faith exception to the exclusionary rule to nonwarrant cases, where the court determines that the circumstances justified an objectively reasonable belief by officers that their conduct was lawful.

THE DEATH PENALTY

The vast majority of the American public supports the option of the death penalty. An ABC News/Washington Post poll conducted in January 1995 found that 74 percent of Americans favor the death penalty for persons convicted of murder. Similarly, a Market Opinion Research poll conducted in December 1994 found that nearly three-quarters of Americans support capital punishment.

To deter crime and to make a clear statement that the most vicious, evil behavior will not be tolerated in our society, the bill strengthens the death penalty standards.

Additionally, the bill adds murder of a witness as an aggravating factor that permits a jury to consider the death penalty; provides effective safeguards against delay in the execution of Federal capital sentences resulting from protracted collateral litigation, including time limits on filing and strict limitations on successive motions; and provides for capital punishment for murders committed in the District of Columbia.

HABEAS CORPUS

To eliminate the abuse, delay, and repetitive litigation in the lower Federal courts, title VIII of this bill provides that the decision of State courts will not be subject to review in the lower Federal courts, so long as they are adequate and effective remedies in the State courts for testing the legality of a person's detention. This provision limits the needless duplicative review in the lower Federal courts, and

helps put a stop to the endless appeals of convicted criminals. Judge Robert Bork has written a letter in support of this provision.

COMPUTER CRIME

I am pleased to include, in this bill, my National Information Infrastructure Protection Act which will strengthen current public law on computer crime and protect the national information infrastructure. My fear is that our national infrastructure—the information that bonds all Americans—is not adequately protected. I offer this legislation as a protection to one of America's greatest commodities—information.

Although there has never been an accurate nationwide reporting system for computer crime, specific reports suggest that computer crime is rising. For example, the Computer Emergency and Response Team [CERT] at Carnegie-Mellon University reports that computer intrusions have increased from 132 in 1989 to 2,341 last year. A June 14 Wall Street Journal article stated that a Rand Corp. study reported 1,172 hacking incidents occurred during the first 6 months of last year. A report commissioned last year by the Department of Defense and the CIA stated that “[a]ttacks against information systems are becoming more aggressive, not only seeking access to confidential information, but also stealing and degrading service and destroying data.” Clearly there is a need to reform the current criminal statutes covering computers.

ADMINISTRATIVE SUBPOENA

This bill allows high-ranking Secret Service agents to issue an administrative subpoena for information in cases in which a person's life is in danger. The Department of Agriculture, the Resolution Trust Corporation, and the Food and Drug Administration already have administrative subpoena power. The Secret Service should have it to protect the lives of American citizens.

INTERNET GAMBLING

There is a new underworld of gambling evolving. Gambling on the Internet is on the rise. Many “virtual” casinos have emerged on this vast network that accept real money at the click of a mouse or the punch of a key. It is estimated that Internet gambling could, before too long, become a \$50 billion business. That is why I have included a section which will make it illegal, if it is illegal to gamble in your State, to gamble on the Internet. Current statutes make it illegal only if you are in the business of gambling on the Internet. I have also included a provision that would require the Department of Justice to analyze all problems associated with enforcing the current gambling statute.

CONCLUSION

The Kyl crime bill is an important effort in the fight against crime. We can win this fight, if we have the conviction, and keep the pressure on Congress to pass tough crime-control measures. It is time to stop kowtowing to prisoners, apologists for criminals, and the

defense lawyers, and pass a strong crime bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CRIME PREVENTION ACT OF 1995

TITLE I—PRISON LITIGATION REFORM

Section 101: Amendments to Civil Rights of Institutionalized Persons Act

Amends the Civil Rights of Institutionalized Persons Act to require that administrative remedies be exhausted prior to any prison conditions action being brought under any federal law by an inmate in federal court.

Section 102: Proceedings in forma pauperis

Provides that whenever a federal, state, or local prisoner seeks to commence an action or proceeding in federal court as an indigent, the prisoner will be liable for the full amount of a filing fee, and will initially be assessed a partial filing fee of 20 percent of the larger of the average monthly balance in, or the average monthly deposits to, his inmate account. The fee may not exceed the full statutory fee, and an inmate will not be barred from suing if he is actually unable to pay. This section also imposes the same payment system for court costs as it does for filing fees. This provision, like the filing fee provision, will ensure that inmates evaluate the merits of their claims.

Section 103: Judicial screening

Requires judicial screening of a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. The court must dismiss a complaint if the complaint fails to state a claim on which relief may be granted. Also, the court must dismiss claims for monetary relief from a defendant who is immune from such relief.

Section 104: Federal tort claims and civil rights claims

Prohibits lawsuits by inmates for mental or emotional injury suffered while in custody unless the inmates can show physical injury.

Section 105: Payment of damage award in satisfaction of pending restitution orders

Provides that restitution payments must be taken from any award won by a prisoner.

Section 106: Notice to crime victims of pending damage award

Mandates that restitution payments must be taken from any award won by the prisoner and requires victims to be notified whenever a prisoner receives a monetary award from the state.

Section 107: Earned release credit or good time credit

Deters frivolous inmate lawsuits by revoking good-time credits when a frivolous suit is filed. Specifically, in a civil action brought by an adult convicted of a crime and confined in a federal correctional facility, the court may order the revocation of earned good-time credit if the court finds that (1) the claim was filed for a malicious purpose, (2) the claim was filed solely to harass the party against which it was filed, or (3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.

TITLE II—PRISONS

Section 201: Special masters

Requires the federal judiciary to pay for special masters in prison litigation cases. Each party shall submit a list of five recommended special masters and can strike

three names from the opposing party's list. The court shall select the master from the remaining names. Each party shall have the right to an interlocutory appeal, on the grounds that the master is not impartial or will not give due deference to the public safety. The court shall review the appointment of the special master every six months to determine whether the services of the special master are still required. Imposes new requirements on special masters. The special master must make findings on the record as a whole, is prohibited from making findings or communications ex parte, and shall be terminated upon the termination of relief.

TITLE III—EQUAL PROTECTION FOR VICTIMS

Section 301: Right of the victim to impartial jury

Protects the right of victims to an impartial jury by equalizing the number of peremptory challenges afforded to the defense and the prosecution in jury selection.

Section 302: Rebuttal of attacks on the victim's character

Provides that if a defendant presents negative character evidence concerning the victim, the government's rebuttal can include negative character evidence concerning the defendant.

Section 303: Victim's right of allocation in sentencing

Extends the right of victims to address the court concerning the sentence to all criminal cases. Current law provides such a right for victims only in violent crime and sexual abuse cases, though the offender has the right to make an allocutive statement in all cases.

SECTION 304: RIGHT OF THE VICTIM TO FAIR TREATMENT IN LEGAL PROCEEDINGS

Establishes higher standards of professional conduct for lawyers in federal cases to protect victims and other witnesses from abuse, and to promote the effective search for truth. Specific measures include prohibition of harassing or dilatory tactics, knowingly presenting false evidence or discrediting truthful evidence, willful ignorance of matters that could be learned from the client, and concealment of information necessary to prevent violent or sexual abuse crimes.

SECTION 305: USE OF NOTICE CONCERNING RELEASE OF THE OFFENDER

Repeals the provision that notices to state and local law enforcement concerning the release of federal violent and drug trafficking offenders can only be used for law enforcement purposes. This removes an impediment to other legitimate uses of such information, such as advising victims or potential victims that the offender has returned to the area.

SECTION 306: BALANCE IN THE COMPOSITION OF RULES COMMITTEES

Provides for equal representation of prosecutors with defense lawyers on committees in the judiciary that make recommendations concerning the rules affecting criminal cases.

TITLE IV—DOMESTIC VIOLENCE

SECTION 401: DEATH PENALTY FOR FATAL DOMESTIC VIOLENCE OFFENSES

Authorizes capital punishment, under the federal interstate domestic violence offenses, for cases in which the offender murders the victim.

SECTION 402: EVIDENCE OF DEFENDANT'S DISPOSITION TOWARD VICTIM IN DOMESTIC VIOLENCE

Clarifies that evidence of a defendant's disposition toward a particular individual—such as the violent disposition of a domestic violence defendant toward the victim—is not subject to exclusion as impermissible evidence of character.

SECTION 403: BATTERED WOMEN'S SYNDROME EVIDENCE

Clarifies that battered women's syndrome evidence is admissible, under the federal expert testimony rule, to help courts and juries understand the behavior of victims in domestic violence cases and other cases.

SECTION 404: HIV TESTING OF DEFENDANTS IN SEXUAL ASSAULT CASES

Provides effective procedures for HIV testing of defendants in sexual assault cases, with disclosure of test results to the victim.

TITLE V—FIREARMS

SECTION 501: MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS

Imposes the following minimum penalties: 10 years for using or carrying a firearm during the commission of a federal crime of violence or drug trafficking crime; 20 years if the firearm is discharged; incarceration for life or punishment by death if death of a person results.

SECTION 502: FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS

Provides mandatory penalties (5 years and 10 years respectively) for firearms possession by persons with one or two convictions for violent felonies or serious drug crimes.

SECTION 503: USE OF FIREARMS IN CONNECTION WITH COUNTERFEITING OR FORGERY

Adds counterfeiting and forgery to offenses making applicable mandatory penalties under 18 U.S.C. 924(c) when firearms are used to facilitate their commission.

SECTION 504: POSSESSION OF AN EXPLOSIVE DURING THE COMMISSION OF A FELONY

Strengthens mandatory penalty provision for cases of felonies involving explosives.

SECTION 505: SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY

Increases to 20 years the mandatory penalty for a second conviction for using or possessing an explosive during the commission of a felony.

TITLE VI—EXCLUSIONARY RULE

Section 601: Admissibility of certain evidence

Extends the "good faith" exception to the exclusionary rule to non-warrant cases, where the court determines that the circumstances justified an objectively reasonable belief by officers that their conduct was lawful.

TITLE VII—FEDERAL DEATH PENALTY

Section 701: Strengthening of Federal death penalty standards and procedures

Strengthens federal death penalty standards and procedures. Requires defendant to give notice of mitigating factors that will be relied on in capital sentencing hearing (just as the government is now required to give notice of aggravating factors), adds use of a firearm in committing a killing as an aggravating factor that permits a jury to consider the death penalty, directs the jury to impose a capital sentence if aggravating factors outweigh mitigating factors, and authorizes uniform federal procedures for carrying out federal capital sentences.

Section 702: Murder of witness as aggravating factor

Adds murder of a witness as an aggravating factor that permits a jury to consider the death penalty.

Section 703: Safeguards against delay in the execution of capital sentences in Federal cases

Provides effective safeguards against delay in the execution of federal capital sentences resulting from protracted collateral litigation, including time limits on filing and strict limitations on successive motions

Section 704: Death penalty for murders committed with firearms

Creates federal jurisdiction and authorizes capital punishment for murders committed

with a firearm where the firearm has crossed state lines.

Section 705: Death penalty for murders committed in the District of Columbia

Provides for capital punishment for murders committed in the District of Columbia.

TITLE VIII—HABEAS CORPUS

Section 801: Stopping abuse of Federal collateral remedies

Provides that an application for a writ of habeas corpus in behalf of a person in custody pursuant to a judgment or order of a state court shall not be entertained by a judge or a court of the United States unless the remedies in the courts of the state are inadequate or ineffective to test the legality of the person's detention.

TITLE IX—IMMIGRATION

Section 901: Additional expansion of definition of aggravated felony

Aliens who commit aggravated felonies can be deported from the country. The section adds to that definition crimes involving the transportation of persons for the purposes of prostitution; serious bribery, counterfeiting, or forgery offenses; serious offenses involving trafficking in stolen vehicles; offenses involving trafficking in counterfeit immigration documents; obstruction of justice, perjury, and bribery of a witness; and an offense relating to the failure to appear to answer for a criminal offense for which a sentence of two or more years may be imposed.

Section 902: Deportation procedures for certain criminal aliens who are not permanent residents

Modifies the INA to make it clear that the existing expedited deportation procedures which apply to non-resident criminal aliens apply also to aliens admitted for permanent residence on a conditional basis. The section also prohibits the Attorney General from using discretionary power under the INA to grant relief from deportation to any non-resident alien who has been convicted of committing an aggravated felony.

Section 903: Restricting the defense to exclusion based on seven years permanent residence for certain criminal aliens

Modifies that portion of the INA which determines who may be denied entrance to the United States and who may be deported from the country. Under present law, legal permanent residents who have lived in the country for seven years may leave temporarily and return but not be subject to many of the INA provisions that determine who may legally enter the United States. However, if these persons have been convicted of an aggravated felony and served five years in prison, the government may exclude them from the country notwithstanding their seven years of residence. The change made by this section strengthens this exception to allow the government to exclude these persons if they were sentenced to five or more years in prison for one or more aggravated felonies. The change is being made so that the government may begin deportation proceedings when the criminal alien is incarcerated rather than having to wait for five years to pass.

Section 904: Limitation on collateral attacks on underlying deportation order

This section applies to cases where an alien is charged with attempting to re-enter the United States after having been deported. The penalties for illegally re-entering the United States after having been deported were enhanced by the 1994 Crime Act. This section makes it clear that an alien charged with illegally re-entering may only challenge the validity of the original deportation order when the alien can show that he or she has exhausted all administrative remedies,

that the deportation order improperly deprived the alien of the opportunity for judicial review, and that the deportation order was fundamentally unfair.

Section 905: Criminal alien identification system

Modifies that part of the 1994 Crime Act which created a "Criminal Alien Tracking Center." The 1994 act failed to state the purpose of the center. This section specifies that the center is to be used to assist federal, state, and local law enforcement agencies in identifying and locating aliens who may be deportable because they have committed aggravated felonies. The bill also changes the name of the center to "Criminal Alien Identification System" in order to more accurately reflect its function.

Section 906: Wiretap authority for alien smuggling investigations

Adds certain immigration-related offenses to the list of crimes to which the Racketeer Influenced Corrupt Organizations ("RICO") law applies. The RICO statute is among the principal tools that federal law enforcement officials use to combat organized crime. The amendment made by this section expands the definition of "predicate acts" to enable them to use that statute to combat alien smuggling organizations. The bill also gives federal law enforcement officials the authority to utilize wiretaps to investigate certain immigration-related crimes.

Section 907: Expansion of criteria for deportation for crimes of moral turpitude

This section amends the INA to deport aliens who have been in the country for less than five years (and legal permanent resident aliens who have resided in the country for less than ten years) and who are convicted of a felony crime involving moral turpitude. Under current law, persons convicted of crimes of moral turpitude can only be deported if they have been sentenced to, or serve, at least one year in prison.

Section 908: Study of prisoner transfer treaty with Mexico

Requires the Secretary of State and the Attorney General to submit a study to the Congress concerning the uses and effectiveness of the prisoner transfer treaty with Mexico. That treaty provides for the deportation of aliens who have been convicted of a crime while they are in the United States.

Section 909: Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States

Requires the Attorney General, in cooperation with the INS Commissioner and the Secretary of State, to establish an office within the Justice Department to provide technical and prosecutorial assistance to states and political subdivisions in connection with their efforts to obtain extradition of aliens who commit crimes in the United States and then flee the country. This section also requires a report within one year assessing the nature and extent of the problem of bringing to justice aliens who flee prosecution in the United States.

Section 910: Prison transfer treaties

Advises the President that Congress desires him to negotiate prison transfer treaties with other countries within 90 days of the bill's enactment

Section 911: Interior repatriation program

Requires the Attorney General and the INS Commissioner to develop programs under which aliens who illegally enter the United States from Mexico or Canada on three or more occasions would be deported at least 500 kilometers within the country. The intent of this section is to make it more difficult for aliens who have a history of illegal entry to re-enter the country after they have

been deported. The program is to be implemented within 180 days of enactment of the bill.

Section 912: Deportation of nonviolent offenders prior to completion of sentence of imprisonment

Gives the Attorney General the discretion to deport certain aliens held in federal prison before they complete their sentences. Only those criminal aliens who have committed a non-violent aggravated felony may be deported, and the Attorney General must first determine that early deportation is in the best interest of the United States. The Attorney General may also deport non-violent criminal aliens held in state prisons if the governor of the state submits a written request to the Attorney General that aliens be deported before they have served their sentence. In both cases, should an alien illegally re-enter the United States, the Attorney General is required to incarcerate the alien for the remainder of the prison term.

TITLE X—GANGS, JUVENILES, AND DRUGS

Section 1001: Criminal street gang offenses

Contains provisions, passed by the Senate in the 103rd Congress Senate crime bill, which create new offenses and authorize severe penalties for criminal street gangs activities.

Section 1002: Serious juvenile drug offenses as Armed Career Criminal Act predicates

Contains a provision, passed by the Senate in the 103rd Congress Senate crime bill, which adds serious juvenile drug offenses as predicate offenses for purposes of the Armed Career Criminal Act.

Section 1003: Adult prosecution of serious juvenile offenders

Permits adult prosecution down to the age of 13 of juvenile offenders who commit serious violent felonies, and creates a presumption in favor of adult prosecution for such juvenile offenders who are 15 or older.

Section 1004: Increased penalties for recidivists committing drug crimes involving minors

Increases to three years the mandatory minimum penalties for a second offense of distributing drugs to a minor or using a minor in trafficking.

Section 1005: Amendments concerning records of crimes committed by juveniles

Incorporates the amendments of section 618 of the 103rd Congress Senate-passed crime bill which broaden the retention and availability of records for federally prosecuted juvenile offenders.

Section 1006: Drive-by shootings

Incorporates the broad drive-by shooting offense that was passed by the House of Representatives in section 2335 of H.R. 3371 of the 102nd Congress.

Section 1007: Steroids offense

Incorporates the offense, passed by the Senate in section 1504 of the 103rd Congress Senate crime bill, which prohibits coaches and trainers from attempting to get others to use steroids.

Section 1008: Drug testing of Federal offenders

Adds hair analysis to the permissible forms of drug testing.

TITLE XI—PUBLIC CORRUPTION

Section 1101: Strengthening of Federal anti-corruption statutes generally

Strengthens federal public corruption laws. Specific improvements include more adequate coverage of election fraud, more uniform jurisdiction over corruption offenses, increased penalties for such offenses, and protection for whistle blowers.

Section 1102: Interstate commerce

Extends wire fraud statute, which is often used to prosecute public corruption offenses,

including strengthening of jurisdictional provision.

Section 1103: Narcotics-related public corruption

Adopts special provisions for drug-related public corruption, including severe penalties.

TITLE XII—ADMINISTRATIVE SUBPONEA

Section 1201: Administrative summons authority of United States Secret Service

Allows high-ranking Secret Service agents to issue an administrative subpoena for information in cases in which the President or other federal protectees are in danger. The Department of Agriculture, the Resolution Trust Corporation, and the Food and Drug Administration already have administrative subpoena power.

TITLE XIII—COMPUTER CRIMES

Section 1301: Protection of classified government information

Penalizes individuals who deliberately break into a computer, or attempt to do so, without authority and, thereby, obtain and disseminate classified information.

Section 1302: Protection of financial, government, and other computer information

Makes interstate or foreign theft of information by computer a crime. This provision is necessary in light of *United States v. Brown*, 925 F.2d 1301, 1308 (10th Cir. 1991), where the court held that purely intangible intellectual property, such as computer programs, cannot constitute goods, wares, merchandise, securities, or monies which have been stolen, converted, or taken within the meaning of 18 U.S.C. § 2314.

Section 1303: Protection of government computer systems

Makes two changes to § 1030(a)(3), which currently prohibits intentionally accessing, without authorization, computers used by, or for, any department or agency of the United States and thereby "adversely" affecting "the use of the Government's operation of such computer." First, it deletes the word "adversely" since this term suggest, inappropriately, that trespassing in a government computer may be benign. Second, the bill replaces the phrase "the use of the Government's operation of such computer" with the term "that use." When a computer is used for the government, the government is not necessarily the operator, and the old phrase may lead to confusion. The bill makes a similar change to the definition of "protected computer" in § 1030(e)(2)(A).

Section 1304: Increased penalties for significant unauthorized use of a computer system

Amends 18 U.S.C. § 1030(a)(4) to insure that felony level sanctions apply when unauthorized use or use in excess of authorization is significant.

Section 1305: Protection from damage to computer systems

Amends 18 U.S.C. § 1030(a)(5) to further protect computer systems covered by the statute from damage by anyone who intentionally damages a computer, regardless of whether they were authorized to access the computer.

Section 1306: Protection from threats directed against computer systems

Adds a new section to 18 U.S.C. § 1030(a) to provide penalties for the interstate transmission of threats directed against computers and computer networks. The new section covers any interstate or international transmission of threats against computers, computer networks, and their data and programs, whether the threat is received by mail, telephone, electronic mail, or through a computerized messaging service.

Section 1307: Increased penalties for recidivist and other sentencing changes

Amends 18 U.S.C. 1030(c) to increase penalties for those who have previously violated

any subsection of § 1030. This section provides that anyone who is convicted twice of committing a computer offense under § 1030 would be subject to enhanced penalties.

Section 1308: Civil actions

Limits damage to economic damages, where the violation caused a loss of \$1,000 or more during any one-year period. No limit on damages would be imposed for violations that modified or impaired the medical examination, diagnosis or treatment of a person; caused physical injury to any person; or threatened the public health or safety.

Section 1309: Mandatory reporting

The current reporting requirement under § 1030(a)(5) is eliminated. By ensuring that most high technology crimes can be prosecuted, there is less need for reporting requirements. Convictions will provide more information on computer crime. To create a mandatory reporting requirement is unnecessary because private sector groups, such as the Forum of Incident Response and Security Teams (FIRST), are leading the effort to monitor computer crimes statistically.

Section 1310: Sentencing for fraud and related activity in connection with computers.

Requires the United States Sentencing Commission to review existing sentencing guidelines as they apply to sections 1030 (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6) of Title 18 of the United States Code (The Computer Fraud and Abuse Act). The Commission must also establish guidelines to ensure that criminals convicted under these sections receive mandatory minimum sentences for not less than 1 year. Currently, judges are given great discretion in sentencing under the Computer Fraud and Abuse Act. In many cases, the sentences don't match the crimes; and criminals receive light sentences for serious crimes. Mandatory minimum sentences will deter computer "hacking" crimes, and protect the infrastructure of computer systems.

Section 1311: Asset forfeiture for fraud and related activity in connection with computers

Amends 18 U.S.C. § 1030(a)(2), (a)(3), and (a)(4) to insure that individuals who commit crimes under the aforementioned sections will forfeit the property used in connection with those crimes. For example, computers and "hacking" software used in crimes would be subject to forfeiture.

TITLE XIV—COMPUTER SOFTWARE PIRACY

Section 1401: Amendment of title 17

Amends 17 U.S.C. § 506(a) to extend criminal infringement of copyright to include any person—not just those who acted for purposes of commercial advantage or private financial gain—who willfully infringes a copyright. Corrects the problem highlighted by the *United States v. LaMacchia*, 871 F. Supp. 535 (D. Mass. 1994), that a person could pirate software maliciously, so long as they received no financial gain.

Section 1402: Amendment of title 18

Amends 18 U.S.C. 2319 to allow the court, in imposing a sentence on a person convicted of software piracy, to order that the person forfeit any property used or intended to be used to commit or promote the commission of such offense.

TITLE XV—INTERNET GAMBLING

Section 1501: Amendment of title 18

Amends 18 U.S.C. § 1084 to insure that individuals who gamble or wager via wire or electronic communication are penalized—not just those who are in the business of gambling. Current statutes make it illegal only if you are in the business of sports gambling on the INTERNET. This section would make it illegal to gamble on "virtual casinos" as well as electronic sports books.

Section 1502: Sentencing guidelines

Requires the United States Sentencing Commission to review the deterrent effect of existing sentencing guidelines as they apply to sections 1084 of Title 18 and promulgate guidelines to ensure that criminals convicted under section 1084 receive mandatory minimum sentences for not less than one year.

Section 1503: Reporting requirements

Requires the Attorney General to report to Congress on (1) the problems associated with enforcing INTERNET gambling, (2) recommendations for the best use of resources of the Department of Justice to enforce section 1084 of Title 18, (3) recommendations for the best use of the resources of FCC to enforce section 1084 of title 18, and (4) an estimate on the amount of gambling activity on the INTERNET. It is not clear how effective law enforcement can police the INTERNET. A report may answer that question.

By Mr. SIMON (for himself, Mr. HATCH, Ms. MOSELEY-BRAUN, Mr. BOND, and Mr. ASHCROFT):

S. 1496. A bill to grant certain patent right for certain non-steroidal anti-inflammatory drugs for a 2-year period; to the Committee on the Judiciary.

PROPERTY RIGHT PROTECTION LEGISLATION

Mr. SIMON. Mr. President, today, I introduce legislation to grant for a 2-year period additional property right protection for oxaprozin, an important drug in treating arthritis. Oxaprozin is a non-steroidal, anti-inflammatory drug [NSAID]. It is produced and marketed as Daypro by the G.D. Searle & Co., headquartered in Skokie, IL. I am introducing this legislation as a matter of simple fairness and equity because of a protracted review by the Food and Drug Administration [FDA] that consumed the entire patent life of Daypro.

The Drug Price Competition and Patent Term Restoration Act of 1984, commonly referred to as the Hatch-Waxman Act, was designed in part to address the unfairness caused by unduly long FDA reviews. Unfortunately, the two major protections created by Hatch-Waxman did not remedy Daypro's situation. First, Hatch-Waxman provides patent extensions in cases of regulatory delay. Ironically, since the FDA review consumed Daypro's entire patent life, the delay rendered Daypro ineligible for a patent extension; Hatch-Waxman simply did not contemplate that an FDA review would consume the entire patent life of a drug prior to its approval. Second, Hatch-Waxman allows up to 10 years of market exclusivity to brand name drug manufacturers following protracted FDA review. If the FDA had promptly approved Daypro, Daypro would have been protected for 10 years; however, as a result of the delay, Daypro only received 5 years of marketing exclusivity protection.

The legislation I am introducing today would provide Daypro 2 years of property right protection beyond the 5 years provided in the Hatch-Waxman Act. This additional property right protection is being sought because the

delay in obtaining FDA approval of Daypro was so excessive that the provisions of the Hatch-Waxman Act are inadequate to compensate for the complete loss of patent protection for Daypro due to the FDA review.

I seek this remedy for a drug that was a victim of even more extreme regulatory delays than those that were instrumental in causing Congress to recognize that the Hatch-Waxman Act was necessary in the first place. The Investigational New Drug Application [IND] for Daypro was filed in 1972, and the New Drug Application [NDA] for Daypro was filed 10 years later in August 1982. FDA approval of Daypro was not finally granted until October 29, 1992. During the 20 years it took FDA to approve Daypro, its patent expired. Thus, the practical patent life for Daypro was zero.

A number of reports have been published by the U.S. General Accounting Office and congressional committees in both Houses on the regulatory problems that the class of NSAIDs faced in the 1980's. These reports and studies make it clear that at least some of the problems encountered at FDA were generic—the unprecedented delay in NSAID approvals was due to FDA inaction on all NDAIDs after serious problems were encountered with previously approved NSAIDs. During this time, the FDA effectively imposed a moratorium on the approval of all NSAIDs. It is important to note that the purpose of this moratorium was not to allow the FDA to collect further data on Daypro or because there were concerns about health and safety findings related to Daypro. The FDA ultimately approved Daypro in 1992 as safe and efficacious based upon the same studies originally submitted to the FDA in the NDA. It took the FDA longer to approve Daypro than any other NSAID.

This legislation does not grant full recovery of the time lost while Daypro was under review; it does not grant even half of that time. The additional property right protection that would be granted by this bill represents only some of the time lost after the drug applications had been under FDA review. This legislation provides 2 years of added protection as partial compensation for the value lost when Daypro's patents expired while the drug application was pending at the FDA. I believe the figure of 2 years is a fair and equitable resolution of this matter.

Daypro confronted an inordinate and inequitable delay in obtaining FDA approval. No other pharmaceutical that I am aware of has had its entire patent life consumed by an FDA review. I urge that the relief embodied in this legislation be enacted.

Mr. HATCH. Mr. President, today, I rise to cosponsor with Senators SIMON, MOSELEY-BRAUN, BOND, and ASHCROFT, S. 1496, a bill to extend for 2 additional years the exclusive marketing period for the drug oxaprozin.

I am supportive of Senator SIMON's effort, because unusual, and perhaps

unprecedented, administrative delays in review of this pharmaceutical have denied the manufacturer any patent protection. The Food and Drug Administration [FDA] review of oxaprozin consumed the entire 17-year patent term plus another 4 years.

Some history on this issue may be useful at this point.

Oxaprozin is a nonsteroidal, anti-inflammatory drug, or NSAID. It is used to treat arthritis and other ailments. Oxaprozin was first patented by G.D. Searle in 1971. Shortly thereafter, an investigational new drug [IND] application was submitted to FDA.

In August 1982, a new drug application [NDA] was filed, but FDA did not approve the drug until October 29, 1992. In total, over 21 years expired after submission of the IND application and over 10 years elapsed from the filing of the NDA.

As a result of this unusually long, and perhaps unprecedented, FDA regulatory review period, the patent for oxaprozin expired before oxaprozin could be brought to market.

In the 1980s, Congress became concerned that the lengthy FDA pre-marketing regulatory approval system was depriving many companies of a substantial amount of the potential economic value of new drug patents, and thereby decreasing the incentives that lead to new breakthrough medications.

In 1984, Representative Henry Waxman and I worked to secure enactment of the Drug Price Competition and Patent Term Restoration Act, a law that, in part, attempted to add patent term or an exclusive marketing period to partially restore time lost through FDA regulatory review.

Under this 1984 law—sometimes referred to as the "Hatch-Waxman Act" or "Waxman-Hatch" an administrative procedure was provided to extend certain drug patents or prevent generic copies from entering the marketplace in order to provide compensation for at least some of the time lost as a result of FDA regulatory review.

This legislation, however, did not contemplate extreme outliers such as oxaprozin.

In some respects, oxaprozin presents a classic Catch-22 situation: Administrative patent extensions under Hatch-Waxman were not available until FDA approval was granted, but these administrative extensions could only be granted if the term of the patent had not expired. If a drug was not approved until after the expiration of the patent, no Hatch-Waxman patent extension could be granted, even though such cases represent the most egregious example of the problem Congress was trying to redress in the first place.

In addition to patent extensions, the Hatch-Waxman Act contained marketing exclusivity provisions to address cases such as oxaprozin in which no patent protection remains. The Hatch-Waxman law provided 10 years of marketing exclusivity for pioneer drugs that were approved for mar-

keting between January 1, 1982 and September 23, 1984.

One result of oxaprozin's unduly long FDA review was that it could not qualify for extended patent life under the Hatch-Waxman transition rule. Instead, oxaprozin received only the more limited 5-year period of marketing exclusivity even though its review period at the FDA exceeded all of those drugs that received a 10-year extension.

From 1974 until 1982, the FDA took, on average, only about 2 years to review and approve NSAID product applications. From about 1982, however, there existed a de facto moratorium on the approval of new NSAIDs.

The Congress has examined the reasons behind this moratorium. In 1992, both the Senate and House Judiciary Committees, and House Energy and Commerce Committee, conducted hearings into the FDA delays in the approval of NSAIDs. In addition, the Judiciary Committees requested the GAO to investigate this delay.

These examinations revealed that FDA faced an unusual set of circumstances from 1982 through 1987. As a result of the controversy surrounding four previously approved NSAIDs that raised serious post-marketing safety concerns, the average time taken to approve NSAID NDAs nearly doubled. By concentrating its resources to investigate the causes behind the reported NSAID adverse effects, the FDA directed its manpower away from approval of the pending NSAID NDAs.

Mr. President, 2-weeks ago, the Senate was engaged in a debate that involved the sufficiency of the patent laws to help attract private sector investment into biomedical research. This issue has important ramifications for the public health.

Over the next few months the Senate Judiciary Committee, on which I serve as Chairman, will be examining pharmaceutical patent issues. It will be important for the committee to examine fully the complex interrelationship between the patent laws and the FDA product review system for drugs.

Oxaprozin serves as an important case study of a flawed system in which FDA regulatory delay materially undermines the value of intellectual property. A regulatory review period of 21 years is simply too long. I hope we can all agree that the FDA review period should not exhaust the entire patent term of a drug product.

In light of the general disruption that occurred within the FDA NSAID review division and the particular facts relating to the 21 year FDA review of oxaprozin, the partial relief granted by S. 1496 is justified. I urge my colleagues to support this bill.

By Mr. NICKLES (for himself, Mr. SMITH, Mr. PRYOR, Mr. BOND, Mr. BUMPERS, Mr. INHOFE, Mr. LOTT, Mr. BREAU, Mr. JOHNSTON, Mr. ABRAHAM, Mr. KEMPTHORNE, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. GLENN, and Mr. WARNER):

S. 1497. A bill to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes; to the Committee on Environment and Public Works.

THE LAND DISPOSAL PROGRAM FLEXIBILITY ACT
OF 1995

Mr. NICKLES. Mr. President, today I am joined by my colleagues Senators SMITH, PRYOR, BOND, BUMPERS, INHOFE, BREAUX, LOTT, JOHNSTON, ABRAHAM, KEMPTHORNE, LIEBERMAN, FAIRCLOTH, GLENN, and WARNER to introduce, the Land Disposal Program Flexibility Act of 1995. This bill represents the culmination of a bipartisan process involving the cooperation of The White House, EPA, and the regulated community. It is proof that the desire for regulatory reform is real, and needed in this country. It is also proof that we can work together to make greater sense out of the regulatory morass when we set our minds to it.

For too long neither Congress which makes the laws, nor EPA which implements them, have really been in charge of environmental protection in this country. The most significant driver in the field of environmental policy has been the courts. In a recent address before the Environmental Law Institute, former EPA Administrator William Ruckelshaus lamented that most of the important environmental decisions of the last quarter century have devolved to the courts.

The situation that has led to the introduction of this bill is a classic case of how the courts, have dominated the making of environmental policy. In 1990, EPA implemented RCRA regulations relating to the treatment of hazardous waste before it can be disposed of on the land. These land disposal restrictions were intended to prevent the placement of untreated waste on the ground—an appropriate concern given the legacy of such practices prior to the enactment of RCRA. EPA also made every effort to implement this regulation taking care to coordinate RCRA with the Clean Water Act and the Safe Drinking Water Act. That, too was as Congress intended.

Along came the courts and they chose to interpret the RCRA statute in such a way as to extend the reach of costly hazardous waste requirements to nonhazardous wastes. This interpretation also ignored the benefits of treatment and disposal systems such as surface impoundments and underground injection wells permitted under the Clean Water and Safe Drinking Water Acts respectively.

As a result, EPA has been forced to propose expensive new regulations that even the Agency believes will provide minimal environmental benefit. Let me quote from EPA's very own preamble to the new proposed rule:

The risks addressed by this rule, particularly UIC wells, are very small relative to the risks presented by other environmental conditions or situations. In a time of limited resources, common sense dictates that we

deal with higher risk activities first, a principle on which EPA, members of the regulated community, and the public can all agree.

Nevertheless, the agency is required to set treatment standards for these relatively low risk wastes and disposal practices during the next two years, although there are other actions and projects with which the Agency could provide greater protection of human health and the environment.

Mr. President, this Senate has been wrestling with the larger question of comprehensive regulatory reform for some months now. The debate on both sides of the aisle has been contentious over the means by which such reforms are achieved. But a common theme throughout that debate has been the nearly universal recognition that the current command and control regulatory system is obsolete, and in need of reform. This bill allows us to turn that theme into reality. Not by amending the underlying RCRA statute in any way, although we agree with the President that further statutory reform is needed, but by merely restoring EPA's original regulatory determination: that a waste that is no longer hazardous need not be regulated as if it was hazardous.

Mr. President, that is why I have joined with Senators SMITH, PRYOR, BOND, BUMPERS, INHOFE, BREAUX, LOTT, JOHNSTON, ABRAHAM, KEMPTHORNE, LIEBERMAN, FAIRCLOTH, GLENN, and WARNER to introduce this bill. I also submit for inclusion in the record a letter from the administration supporting this legislation. The price of not acting soon will mean that industry will incur, by EPA's own estimate, \$800 million dollars per year in compliance costs—again for minimal environmental benefit. Mr. President, we have an opportunity here, to provide true regulatory relief, while assuring that effective standards of environmental protection are maintained. We have worked in a bipartisan way to bring this reform forward. I hope that the spirit of cooperation demonstrated on all sides will carry through as we tackle this and other much needed regulatory reforms.

Mr. SMITH. Mr. President, I join my colleague, Senator NICKLES, in introducing the Land Disposal Program Flexibility Act of 1995, and I would like to thank the senior Senator from Oklahoma for the time and effort that he and his staff have been spending on this issue. In addition to a bipartisan coalition of Senators who are cosponsoring this legislation, this bill is also supported by the White House and the Environmental Protection Agency [EPA].

This legislation represents a very simple, yet important modification to the Solid Waste Disposal Act that has the potential to save our society as much as \$800 million in annual compliance costs—an expense that the EPA agrees will provide no environmental benefit. As the chairman of the Superfund, Waste Control and Risk Assessment Subcommittee, which has juris-

diction over this legislation, I believe that this bill is a good example of a cooperative, bipartisan effort to correct expensive and needless environmental overregulation.

Under the current land disposal restrictions [LDR's], individuals are generally prohibited from the land disposal of hazardous wastes unless these wastes have first been treated to meet EPA standards. As a result of a 1993 decision by the D.C. Circuit Court, these LDR's would also be extended to nonhazardous wastes managed in wastewater systems that are already regulated under the Clean Water Act or the underground injection control [UIC] program of the Safe Drinking Water Act. The court adopted this position despite the fact that the EPA had previously adopted a rule authorizing the appropriate treatment and disposal of these materials, and despite the fact that the Agency believed that such strict standards are inappropriate.

Simply stated, this legislation would counteract the court decision, and would restore the EPA's original regulatory determination allowing these materials to be safely treated and disposed of in permitted treatment units and injection wells.

One of the issues confronting those who support this legislation is timing. Due to the court decision, the EPA will be forced to impose these needless and expensive requirements if Congress does not act very soon. As the chairman of the subcommittee of jurisdiction, I will work closely with the other interested parties to ensure that this legislation will be addressed in a prompt fashion.

Again, I thank Senator NICKLES for working with me on this issue, and I commend him for his involvement.

Mr. PRYOR. Mr. President, I rise today to join my colleagues, Senators BOND, BUMPERS, INHOFE, and NICKLES, to introduce the Land Disposal Program Flexibility Act of 1995. This bill represents months of work by the EPA, the White House, both Houses of Congress, as well as the regulated community, to come together in a bipartisan manner to implement real regulatory reform.

This legislation makes small adjustments in the current Land Disposal Regulations [LDR] Program under the Resource Conservation Recovery Act [RCRA], to provide more flexibility for the treatment of nonhazardous waste. More importantly, it helps alleviate the type of over-regulation that has been the source of so much controversy among the general public. Our legislation achieves this goal by denying the implementation of a court ordered rule that requires the EPA to treat nonhazardous waste as though it were hazardous waste.

Mr. President, when Congress passed the Resource Conservation and Recovery Act [RCRA] in 1976, it was intended to work as a companion to other existing environmental laws. However, the court decision previously mentioned,

would create just the opposite of what was intended. It would require the EPA to write a rule that would overlay RCRA requirements on top of existing Clean Water Act treatment standards. The cost of this additional treatment, according to EPA estimates, would be approximately \$800 million per year—all to achieve what EPA says is almost no environmental improvement.

What we are doing today with the introduction of the Land Disposal Program Flexibility Act, is correcting this court decision by amending a very narrow portion of the RCRA law. Simply put, we are asking Congress to clarify that the LDR Program does not apply to wastes that are no longer hazardous when managed in Clean Water and Safe Drinking Water Act systems.

I am proud to be an original cosponsor of this bill and I hope my colleagues will support this legislation as it moves through committee to the Senate floor for a vote.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. COHEN, and Mr. KENNEDY):

S. 1498. A bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INTERJURISDICTIONAL FISHERIES
AMENDMENTS ACT OF 1995

Ms. SNOWE. Mr. President, today I, along with my colleague on the Commerce Committee, Senator KERRY, am introducing the Interjurisdictional Fisheries Amendments Act of 1995. I am pleased to also have Senators COHEN and KENNEDY joining us as cosponsors in this effort.

Congress passed the Interjurisdictional Fisheries Act in 1986 to promote the management of interjurisdictional fisheries resources throughout their range, and to encourage and promote active State participation in the management of these important resources. The act provides modest funding to the States and interstate marine fishery commissions to assist with research and management activities, with the underlying objective being the development and maintenance of healthy, robust fish stocks. The act also authorizes aid to commercial fishermen who have suffered losses as a result of fishery resource disasters.

The bill that we are introducing today extends the act's authorization through 1998. It reduces the authorized appropriations level for apportionment to the States, maintains the current overall authorization level for the Commerce Department, and provides a small increase in the authorization level for assistance to the interstate fishery management commissions.

This bill also amends section 308(d) of the act, which deals with disaster assistance to commercial fishermen. Earlier this year, the Secretary of Commerce declared fishery resource disasters impacting commercial fishermen in the Northeast, Pacific Northwest,

and the Gulf of Mexico, and he committed \$53 million in already-appropriated funds to help mitigate the impacts of these disasters. In order to effectively operate these disaster relief programs, however, certain changes must be made in the act's grant-making authority.

The current provision, for example, limits the kind of assistance available under section 308(d) to direct grants to individual fishermen or fishing corporations. But recent analysis of disaster relief strategies has revealed that, in some cases, aid to fishermen could be more efficiently and effectively provided if it is provided indirectly, through States, local governments, or nonprofit organizations, who in turn would operate programs to help fishermen. This bill amends the statute to allow for the provision of both direct and indirect forms of assistance.

The bill also lifts the current \$100,000 cap on aid to individual fishermen. This cap makes the operation of a fishing vessel buy-back program, like the one currently planned for the New England groundfish fishery, impossible. The purchase price for many vessels bought out under the program will exceed \$100,000, and without a lifting of the cap, few fishermen will participate. Given the ongoing crisis in the New England groundfish industry, we need to move forward with an effective, comprehensive buy-back quickly, and passage of this amendment to section 308(d) is essential for us to do so.

Mr. President, this bill will contribute to the improvement of conditions in interjurisdictional fisheries around the country, and it will assist fishing communities that are suffering the effects of fishery resource disasters. This is a bipartisan bill, and it will not require significant new federal expenditures. I hope that my colleagues will support the bill when the Senate considers it in the next session.

Mr. KERRY. Mr. President, today I join Senators SNOWE, KENNEDY, and COHEN in introducing the Interjurisdictional Fisheries Amendments Act of 1995. This legislation authorizes appropriations for State grants and Department of Commerce programs designed to manage interjurisdictional fisheries, and amends the Interjurisdictional Fisheries Act of 1986 to facilitate the use of available fisheries disaster relief funds.

In 1986, we passed the Interjurisdictional Fisheries Act to support State activities related to the management of fisheries occurring in waters under the jurisdiction of one or more States and the exclusive economic zone [EEZ], and to promote management of these fisheries throughout their range. This model establishes a mechanism for all who have a major interest in managing a fishery extending over several jurisdictions to work together to make key management decisions. It clearly works successfully. We must continue to support such cooperative partnerships.

The bill introduced today also contains important provisions which will clear the way for dispersing previously appropriated economic assistance for fishing disaster relief in New England, the Gulf, and in the Pacific Northwest.

In New England, this assistance will be used to alleviate the economic hardships caused by the collapse of the traditional groundfish fishery. The New England Fishery Management Council has closed significant areas of prime fishing grounds on Georges Bank and is now considering the adoption of stricter fishing restrictions to rebuild the groundfish stocks. Many New England fishermen can no longer draw a living from the sea as they have for years before. They, their families, and their communities face a severe economic crisis. I have supported, and will continue to support, a comprehensive approach to addressing this fishery disaster. The New England Fishery Management Council has a tough job ahead in designing a rebuilding program. While the Council continues to struggle with this issue, I have focused my efforts on providing economic assistance to the fishermen and the fishing communities during this crisis and rebuilding period.

In March 1995, NOAA announced a \$2.0 million pilot program to buy groundfish vessels and begin to address the problem of too many fishermen chasing too few fish. The program began in June of 1995, and on October 11, 1995, NOAA announced that it would be able to buy back 13 vessels. Although the \$2 million falls far short of the total amount needed for a full-scale buyout in New England, the pilot program answered many questions about the design, implementation, and potential success of an expanded vessel buyout program.

The pilot program has demonstrated that fishing vessel owners are willing to participate in such a program—114 vessel owners applied to participate in the pilot program. If funding was available to accept all 114 offers received—totalling \$52 million—groundfish fishing capacity could be decreased by more than 31 percent. This illustrates that such a program could be a successful way to reduce the overcapitalization in the groundfish fleet and may help ease the economic impact of the collapsed groundfish fishery and the strict conservation measures anticipated.

The legislation we are introducing today amends the existing Interjurisdictional Fisheries Act of 1986 to facilitate the development of an expanded buyout program in New England. This would allow some fishermen to voluntarily leave the fishery, thereby reducing excess fishing capacity. As a condition of the program, the bill would require that adequate conservation and management measures be in place to restore the stocks and ensure no new boats enter the New England groundfish fishery. It would also expedite fishery disaster relief programs designed for the Gulf and the Pacific Northwest.

I urge my colleagues to move quickly to pass the Interjurisdictional Fisheries Amendment Act of 1995.

By Mr. HATFIELD:

S. 1499. A bill to amend the Interjurisdictional Fisheries Act of 1986 to provide for direct and indirect assistance for certain persons engaged in commercial fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FISHING FAMILIES RELIEF ACT OF 1995

Mr. HATFIELD. Mr. President, the Pacific Northwest has been presented with a number of significant challenges in the last decade. Most recently, heavy rains and winds in excess of 100 miles per hour ravaged the Oregon coast and the Willamette Valley. Additionally, the timber and fishing industries, which once constituted a substantial portion of Oregon's economy, have been severely restricted in recent years. Many individuals involved in those industries have been forced to find alternative sources of employment.

In 1994, the National Oceanic and Atmospheric Administration [NOAA] and the Pacific Northwest States initiated three programs to mitigate the financial hardship caused by the total closure of the coastal salmon fishing season. These programs were designed to assist the fishers impacted by the closing and include: a permit buyback program—Washington State only; a habitat restoration jobs program; and a data collection and at sea research jobs program. Both jobs programs employed over 100 dislocated fishers while contributing to the improvement of fishery habitat. NOAA has approved the request of the Governors of Oregon and Washington for an additional \$13 million to continue these programs for a second year.

The changes in the Interjurisdictional Fisheries Act made by the legislation I am introducing today would allow these three programs to continue working for dislocated fishers who are severely limited in their ability to earn a living through commercial fishing. The current language restricts the number of dislocated fishers who have been eligible to participate in these programs. Additionally, fishers may lose the eligibility to participate in the programs due to the uninsured loss determination and the cap on assistance.

Mr. President, this legislation does not seek additional Federal funds for these important assistance programs. However, it does attempt to find ways to spend Federal dollars in a more effective and flexible manner, with broader participation from those the funds are intended to serve. This legislation will also be beneficial for the fishing industries in the Northeast and the Gulf Coast areas. I urge my colleagues to give their full consideration to this attempt to restore economic stability to the fisherman of Oregon and the Pacific Northwest.

ADDITIONAL COSPONSORS

S. 281

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 281, a bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961.

S. 1228

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1266

At the request of Mr. MACK, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1266, a bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes.

S. 1354

At the request of Mr. BREAUX, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1354, a bill to approve and implement the OECD Shipbuilding Trade Agreement.

S. 1426

At the request of Mr. SIMPSON, his name was added as a cosponsor of S. 1426, a bill to eliminate the requirement for unanimous verdicts in Federal court.

S. 1470

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

SENATE CONCURRENT RESOLUTION 37—TO MAKE TECHNICAL CHANGES IN THE ENROLLMENT OF H.R. 2539

Mr. EXON submitted the following resolution; which was considered and agreed to:

S. CON. RES. 37

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 2539) to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, shall make the following corrections:

In section 11326(b) proposed to be inserted in title 49, United States Code, by section 102, strike "unless the applicant elects to provide the alternative arrangement specified in this subsection. Such alternative" and insert "except that such";

In section 13902(b)(5) proposed to be inserted in title 49, United States Code, by section 103, strike "Any" and insert "Subject to section 14501(a), any".

SENATE RESOLUTION 201—COMMENDING THE CIA'S STATUTORY INSPECTOR GENERAL

Mr. SPECTER (for himself, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. ROBB, Mr. JOHNSTON, Mr. CHAFEE, Mr. BAUCUS, Mr. WARNER, Mr. KERRY, Mr. SHELBY, Mr. GRAHAM, Mr. KYL, Mr. LUGAR, Mr. INHOFE, Mr. BYRD, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 201

Whereas, because of its concern with the need for objectivity, authority and independence on the part of the Central Intelligence Agency's Office of Inspector General, the Senate in 1989 included in the Intelligence Authorization Act of Fiscal Year 1990—subsequently enacted into law—a provision establishing an independent, Presidentially-appointed statutory Inspector General at the CIA;

Whereas in November, 1990, The Honorable Frederick P. Hitz was formally sworn in as the CIA's first statutory Inspector General;

Whereas the CIA's statutory Office of Inspector General, under the capable leadership of Frederick P. Hitz, has demonstrated its independence, tenacity, effectiveness and integrity; and

Whereas the work of the CIA Office of Inspector General under Mr. Hitz's leadership has contributed notably to the greater efficiency, effectiveness, integrity and accountability of the Central Intelligence Agency: Now, therefore, be it

Resolved, That the Senate expresses its congratulations to Frederick P. Hitz on his 5-year anniversary as the first statutory CIA Inspector General and expresses its support for the Office of the CIA Inspector General.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Frederick P. Hitz.

AMENDMENTS SUBMITTED

BUDGET NEGOTIATIONS JOINT RESOLUTION

DASCHLE AMENDMENT NO. 3108

Mr. DASCHLE proposed an amendment to the joint resolution (H.J. Res. 132) affirming that budget negotiations shall be based on the most recent technical and economic assumptions of the Congressional Budget Office and shall achieve a balanced budget by fiscal year 2002 based on those assumptions; as follows:

On page 2, line 2, strike office"; and insert the following: "Office, and the President and the Congress agree that the balance budget must protect future generations, ensure medicare solvency, reform welfare, and provide adequate funding for Medicaid, Education, Agriculture, National Defense, Veterans, and the Environment. Further, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth."